

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

GENERAL ELECTRIC CAPITAL  
CORPORATION,

Plaintiff,

-vs-

JOSEPH NADER, et al.,

Defendants.

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Case No. 3:02-cv-340

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District Judge Thomas M. Rose  
Chief Magistrate Judge Michael R. Merz

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**REPORT AND RECOMMENDATIONS**

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This case has been stayed since January 8, 2004, pending the outcome of Defendant Joseph Nader's bankruptcy petition. Despite having ordered Mr. Nader to "keep the Court currently apprised of the status of that case," the Court has received no status reports whatsoever, including no response to its October 4, 2005, express order to Defendant Nader for "a complete report . . . of the status of his bankruptcy petition not later than October 15, 2005."

Having received no report from Mr. Nader, the Court inquired of Plaintiff's counsel whether he was advised of the status of the bankruptcy petition. He responded that his client had instructed him to proceed no further and would have no objection to a dismissal without prejudice.

It is accordingly recommended that the above-captioned action be dismissed without prejudice.

October 21, 2005.

s/ **Michael R. Merz**  
Chief United States Magistrate Judge

## NOTICE REGARDING OBJECTIONS

Pursuant to Fed. R. Civ. P. 72(b), any party may serve and file specific, written objections to the proposed findings and recommendations within ten days after being served with this Report and Recommendations. Pursuant to Fed. R. Civ. P. 6(e), this period is automatically extended to thirteen days (excluding intervening Saturdays, Sundays, and legal holidays) because this Report is being served by one of the methods of service listed in Fed. R. Civ. P. 5(b)(2)(B), (C), or (D) and may be extended further by the Court on timely motion for an extension. Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. If the Report and Recommendations are based in whole or in part upon matters occurring of record at an oral hearing, the objecting party shall promptly arrange for the transcription of the record, or such portions of it as all parties may agree upon or the Magistrate Judge deems sufficient, unless the assigned District Judge otherwise directs. A party may respond to another party's objections within ten days after being served with a copy thereof. Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See United States v. Walters*, 638 F. 2d 947 (6<sup>th</sup> Cir., 1981); *Thomas v. Arn*, 474 U.S. 140, 106 S. Ct. 466, 88 L. Ed. 2d 435 (1985).